



**STAFF REPORT**  
**CITY OF BEVERLY HILLS**

**For the Planning  
Commission Regular  
Meeting of  
December 11, 2008**

**TO:** Planning Commission

**FROM:** Shena Rojemann,  
Assistant Planner

**THROUGH:** Jonathan Lait, AICP  
City Planner *Copy for*

**SUBJECT:** A Central R-1 permit request on an Estate Property located at 901 N Alpine Drive.



Application for a Central R-1 Permit to allow accessory structures to be located less than 100 feet behind the front lot line on an estate property pursuant to Beverly Hills Municipal Code §10-3-2425: Accessory Buildings on Estate Properties.

**RECOMMENDATION**

It is recommended that the Planning Commission adopt the attached resolution, conditionally approving a Central R-1 Permit.

**EXECUTIVE SUMMARY**

This project involves the construction of two guard houses and associated walls and landscaping and paving and was initially reviewed by the Planning Commission at its Special Meeting on Thursday, August 7, 2008. At that meeting, the Commission heard presentations from staff and the applicant as well as comments from a neighbor and requested that the project be returned for additional study.

**DISCUSSION**

The Commission requested additional information and recommended the project be returned at a later meeting to address the following concerns:

1. No windows shall be located on the north side of the proposed guard house, facing the neighboring property to the north;
2. A detailed landscaping plan and renderings shall be provided specifically showing how the landscaping will buffer the guard houses from Alpine Drive, Sunset Drive and the neighboring property to the North;
3. The applicant shall study the option of pivoting the guard houses away from Alpine Drive, further to the west to better buffer the impact of the guard houses to the street.

The applicant has submitted revised plans for review by the Commission. The applicant has revised the plans as follows:

1. The applicant has relocated all the doors and windows that were proposed to be located on the north side of the guard house, facing the neighboring property to the north.
2. The applicant has submitted a detailed landscaping plan and multiple renderings for the Commission's Review. The detailed plans and renderings depict how the proposed landscaping will buffer the guard houses from Alpine Drive, Sunset Drive, and the neighboring property to the north.
3. The guard houses have not been pivoted as described per the Commission, however the applicant has moved the guard houses back an addition 6'-8" from the front property line. They are proposed to be 68'-8" from the front property line.

As revised, the proposed project appears to have addressed the Commission's concerns. Removing the windows and doors along the north side of the guard houses shall reduce the privacy impacts to the neighboring property owners. The addition of lush, mature landscaping, in addition to moving the guard houses further from Alpine Drive shall better buffer the impact of the structures from the street. As revised, staff feels they can make the findings to recommend approval of the proposed guard houses.

#### **Findings for Central R-1 Permit:**

The Planning Commission may issue a Central R-1 permit if it finds that the project will not have a substantial adverse impact on any of the following:

#### ***The scale and massing of the streetscape.***

As revised, the proposed accessory structures are 14 feet in height and have been set back a significant distance from Alpine Drive (68 feet, 8 inches) and Sunset Blvd (50 feet). The addition of mature, full vegetation along Alpine Drive, Sunset Drive and along the property line to the north of the structures, in addition to the decorative walls will shield the accessory structures from the roadways and neighboring properties. The proposed entry gate is setback approximately 73 feet from the front lot line. The large setback allows for a circular drive which provides space for vehicle queuing therefore reducing the massing of vehicles along Alpine Drive. Thus, the accessory structures shall have little or no affect on the scale and massing of the streetscape.

***Neighbors' access to light and air.***

As revised, the proposed accessory structures are located on the eastern portion of the property, surrounded by Alpine Drive to the east and Sunset Blvd to the south. To the west is a single-family residence currently undergoing construction and to the north is an existing single family residence. The structures, as proposed, are each 14 feet in height and are located a minimum of 18 feet 3 inches from the neighboring property line to the north and 25 feet 9 inches from the neighboring single family residence to the north. Thus, as revised the structures will not have a negative effect on the neighbors' access to light and air.

***Neighbors' privacy.***

As revised, the proposed accessory structures are located on the eastern portion of the property and surrounded by Alpine Drive, Sunset Blvd and the neighboring residence to the north. The structures will house security personal only during special events and gatherings. On a daily basis, the entry through the gate shall be controlled from the primary residence and/or with the use of a security code. The accessory structures are proposed to be 18 feet 3 inches from the neighboring property line to the north and are located adjacent to the neighboring properties front yard area. The neighboring residence will be approximately 25 feet 9 inches from the proposed accessory structures. The applicant is proposing lush mature landscaping along the north property line abutting the neighbor. In addition, the neighboring residence is located on an up-sloping lot which, along with the landscaping will further buffer the adjacent property from the accessory structures. Therefore, an adverse impact to the neighbor's privacy is not anticipated.

***The garden quality of the city.***

As revised, the proposed accessory structures will be set back 68 feet 8 inches from the front lot line. The applicant is proposing a variety of plant types which include shrubs, trees and groundcover. The addition of mature, full trees and shrubs within the front yard will screen the accessory structures from Alpine Drive, Sunset Drive and neighboring property owners, and will thus, enhance the garden quality of the City.

**PUBLIC NOTICE AND COMMENTS**

Notice of the proposed project and public hearing was mailed on December 1, 2008 to all property owners and residential tenants within a 300-foot radius of the property from the exterior boundaries of the property. In addition, notice of the hearing was posted on the subject property. To date, the city has not received any comments of concern regarding the proposed project.

**ENVIRONMENTAL DETERMINATION**

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's Local CEQA guidelines. A Class 3(e) (15303) Categorical Exemption (New Construction or Conversion of Small Structures) has been issued in accordance with the requirements of Section 15062.



Shena Rojemann, Assistant Planner

Attachments:

1. Draft Resolution
2. Staff Report – August 7, 2008 Commission Meeting

Planning Commission Staff Report  
901 North Alpine Drive  
December 11, 2008

**Attachment 1:**  
**Draft Resolution**

RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BEVERLY HILLS CONDITIONALLY APPROVING A CENTRAL R-1 PERMIT TO ALLOW CONSTRUCTION OF TWO ACCESSORY STRUCTURES (GATE HOUSES) TO BE LOCATED LESS THAN 100 FEET BEHIND THE FRONT LOT LINE, BETWEEN THE SINGLE-FAMILY RESIDENCE AND THE FRONT LOT LINE, ON AN ESTATE PROPERTY LOCATED AT 901 N ALPINE DRIVE.

The Planning Commission of the City of Beverly Hills hereby finds, resolves and determines as follows:

Section 1. Guillermo Montero, on behalf of property owner (hereinafter referred to as the "Applicant"), has applied for an Central R-1 Permit to allow the construction of two 14-foot high gate houses to be located within 100 feet of the front property line on an estate property located at 901 North Alpine Drive (the "Project"). The proposed gate houses will be set back a minimum of 68 feet 8 inches from the front property line.

Beverly Hills Municipal Code Section 10-3-2425, authorized the Planning Commission to issue a Central R-1 Permit to allow accessory structures on properties over 24,000 square feet in area to be located anywhere on the site, provided the Commission makes certain findings.

Pursuant to Beverly Hills Municipal Code Section 10-3-4415, the request for a Design Review Permit may be approved, provided the Design Review Commission makes certain findings.

Section 2. The Project has been environmentally reviewed pursuant to the provisions of the California Environmental Quality Act (Public Resources Code Sections 21000, *et seq.*("CEQA")), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000, *et seq.*), and the City's Local CEQA Guidelines (hereafter the "Guidelines"), and the City's

environmental guidelines, and a Class 3 Categorical Exemption has been issued in accordance with the requirements of Section 15303(e) of the Guidelines.

Section 3. The Planning Commission conducted a duly noticed public hearing on August 7, 2008, at which time the Commission requested additional information and recommended the project to be returned at a later date. On December 11, 2008, the Planning Commission conducted a duly noticed public hearing at which time oral and documentary evidence was received concerning the application.

Section 4. The subject site is located in the Central Area of the City on the west side of Alpine Drive. The site has an area of 67,000 square feet. The property is improved with a single-family residence, pool house and pool, all currently under construction and nearing completion. The Project proposes the addition to two single-story gate houses, each measuring 14 feet in height and 204 square feet in area. The proposed gate houses are closed on all sides and do count towards the maximum floor area for the site. The structures will be located at the eastern portion of the site, 68 feet 8 inches from the front property line. The front yard and side yards are proposed to be densely landscaped with mature vegetation to better screen the gate houses from the street and neighboring properties, while creating a garden-like area.

Section 5. In accordance with the requirements of Beverly Hills Municipal Code Section 10-3-2453, in reviewing the application for the Central R-1 Permit to allow accessory structures on properties over 24,000 square feet in area to be located anywhere on the site, the

Planning Commission considered whether the proposed development will have a substantial adverse impact on:

- (1) The scale and massing of the streetscape;
- (2) Neighbors' access to light and air;
- (3) Neighbors' privacy, and
- (4) The garden quality of the city.

Section 6. Based upon the evidence presented at the hearings, including the Staff Report and oral and written testimony, the Planning Commission, hereby finds as follows:

6.1. As conditioned, the proposed accessory structures are 14 feet in height and have been set back a significant distance from Alpine Drive (68 feet, 8 inches) and Sunset Blvd (50 feet). The addition of mature vegetation will further shield the accessory structures from the roadways and neighboring properties. The proposed entry gate is setback approximately 73 feet from the from lot line. The large setback allows for a circular drive which provides space for vehicle queuing therefore reducing the massing of vehicles along Alpine Drive. Thus, the accessory structures shall have little or no affect on the scale and massing of the streetscape.

6.2. As conditioned, the proposed accessory structures are located on the eastern portion of the property, surrounded by Alpine Drive to the east and Sunset Blvd to the south. To the west is a single-family residence currently undergoing construction and to the north is an existing single family residence. The structures, as proposed, are each 14 feet in height and are located a minimum of 18 feet 3 inches from the neighboring property line to the north and 25 feet 9 inches from the neighboring single family residence to the north. Thus, as proposed the structures will not have a negative effect on the neighbors' access to light and air.

6.3. As conditioned, the proposed accessory structures are located on the eastern portion of the property and surrounded by Alpine Drive, Sunset Blvd and the neighboring residence to the north. The structures will house security personal only during special events and gatherings. On a daily basis, the entry through the gate shall be controlled from the primary residence and/or with the use of a security code. The accessory structures are proposed to be 18 feet 3 inches from the neighboring property line to the north and are located adjacent to the neighboring properties front yard area. The neighboring residence will be approximately 25 feet 9 inches from the proposed accessory structures. The applicant is proposing lush mature landscaping along the north property line abutting the neighbor. In addition, the neighboring residence is located on an up-sloping lot which, along with the landscaping will further buffer the adjacent property from the accessory structures. Therefore, an adverse impact to the neighbor's privacy is not anticipated.

6.4. As conditioned, the proposed accessory structures will be set back 68 feet 8 inches from the front lot line. The applicant is proposing a variety of plant types which include shrubs, trees and groundcover. The addition of mature, full trees and shrubs within the front yard will screen the accessory structures from Alpine Drive, Sunset Drive and neighboring property owners, and will thus, enhance the garden quality of the City.

Section 7. Based on the foregoing, Planning Commission hereby grants the Central R-1 Permit for the Project, subject to the follow conditions:

1. Landscaping along Sunset Drive, Alpine Drive and the north property line shall conform to the mature, lush trees and plants as depicted in the landscape plans dated November 24, 2008.

2. The Project shall substantially comply with the plans submitted to and reviewed by the Planning Commission at its meeting of December 11, 2008.

3. These conditions of approval shall run with the land and shall remain in full force and effect for the duration of the life of this approval. This resolution approving the Central R-1 Permit shall not become effective until the owner of the Project site records a covenant, satisfactory in form and content to the City Attorney, accepting the conditions of approval set forth in this resolution. The covenant shall include a copy of this resolution as an exhibit.

4. The Applicant shall deliver the executed covenant to the Department of Community Development **within 60 days** of the Planning Commission decision. At the time that the Applicant delivers the covenant to the City, the Applicant shall also provide the City with all fees necessary to record the document with the County Recorder. If the Applicant fails to deliver the executed covenant within the required 60 days, this resolution approving the Central R-1 Permit shall be **null and void** and of **no further effect**. Notwithstanding the foregoing, the Director of Community Development may, upon a request by the Applicant, grant a waiver from the 60-day time limit if, at the time of the request, the Director determines that there have been no substantial changes to any federal, state or local law that would affect the Central R-1 Permit.

Section 8. The Secretary of the Planning Commission shall certify to the passage, approval, and adoption of this resolution, and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Planning Commission of the City.

Adopted:

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Kathy Reims  
Chair of the Planning Commission  
of the City of Beverly Hills, California

Attest:

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Secretary

Approved as to form:

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David M. Snow  
Assistant City Attorney

Approved as to content:

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Jonathan Lait, AICP  
City Planner

Planning Commission Staff Report  
901 N Alpine Drive  
December 11, 2008

**Attachment 2:**

**Staff Report – August 7, 2008 PC Meeting**



**STAFF REPORT**  
**CITY OF BEVERLY HILLS**

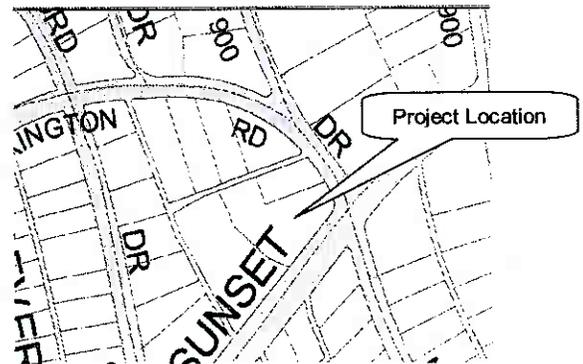
**For the Planning  
Commission Special  
Meeting of  
August 7, 2008**

**TO:** Planning Commission

**FROM:** Shena Rojemann,  
Assistant Planner

**THROUGH:** Jonathan Lait, AICP *For*  
City Planner

**SUBJECT:** A Central R-1 permit request on an  
Estate Property located at 901 N  
Alpine Drive.



Application for a Central R-1 Permit to allow accessory structures to be located less than 100 feet behind the front lot line on an estate property pursuant to Beverly Hills Municipal Code §10-3-2425: Accessory Buildings on Estate Properties.

**RECOMMENDATION**

It is recommended that the Planning Commission approve the Central R-1 Permit and its associated components subject to conditions listed in the staff report.

**EXECUTIVE SUMMARY**

The applicant proposes to construct two new accessory structures (gate houses). As a part of the proposed project, the applicant has requested approval of a Central R-1 Permit to:

1. Allow the new accessory structures (gate houses) to be located less than 100 feet behind the front lot line, between the single family residence and the front lot line, on an Estate Property.

The subject property is located within the Single-Family Residential (R-1.X) Zoning District in the Central Area of the City.

GENERAL INFORMATION	
<b>Applicant</b>	Frank Valentino
<b>Designer/Architect</b>	Frank Valentino
<b>Project Owner</b>	Shahrokh & Nazanin R. Shamtobi
<b>Zoning District</b>	One-Family Residential Zone (R-1.X)/ Central Area
<b>Parcel Size</b>	67,000 square feet (1.53 acres)
<b>Permit Streamlining Act Deadline</b>	August 30, 2008

**PROJECT DESCRIPTION**

The subject property is located on the west side of Alpine Drive, at the intersection of Alpine Drive and Sunset Blvd. The property is surrounded by one and two-story single family residences with similar mass and scale. The applicant proposes to construct two new accessory structures (gate houses) and an automobile entry gate on the east portion of the subject property approximately 62 feet behind the front lot line, 58 feet from the two-story single-family residence, 18 feet from the north property line and 50 feet from the south property line. The proposed structures will be 14 feet in height and together will total 408 square feet in floor area.

The proposed accessory structures will be heavily screened with mature vegetation along Alpine Drive. Sunset Boulevard will be heavily screened with mature vegetation and decorative walls. The decorative walls are 6 feet in height. The bottom 3 feet are concrete and the top 3 feet are an open to view decorated with ornate wrought iron fencing.

The proposed accessory structures will not house security personal daily, but rather will be occupied by personal only for special events or gatherings that comply with code. On a daily basis, the entry through the gate shall be controlled from the primary residence and/or a security code.

The proposed project also includes an automobile entry gate located between the two accessory structures. The proposed entry gate is 14 feet in height and approximately 22 feet in width. The proposed entry gate is in compliance with the Beverly Hills Municipal Code, however, will undergo design review by the Design Review Commission. If approved by the Planning Commission, the accessory structures, they too shall undergo design review by the Design Review Commission.

The existing development on the site includes a single-family residence with basement, a pool house, and swimming pool totaling 20,802 square feet. The maximum floor area permitted per code (FAR) for this property is 28,300 square feet. No change to the primary residence is proposed.

**PROJECT DESCRIPTION CHART**

<b>901 N ALPINE DRIVE</b>			
<b>Zoning District</b>	Single-Family Residential (R-1.X) Central Area		
<b>Parcel Size</b>	67,000 square feet		
<b>Category</b>	<b>Existing</b>	<b>Proposed</b>	<b>Required/Allowed (Per BHMC)</b>
<b>General Development Standards</b>			
<b>Lot Size:</b>	67,000 square feet or 1.54 acres	No Change	1 acre (minimum lot size)
<b>Floor Area:</b>	20,802 square feet (Main residence and pool house)	408 square feet (total for the two proposed accessory structures)	40% of the Lot Area + 1500 square feet = 28,300 square feet (BHMC 10-3-2402)
<b>Height of Proposed Accessory Structures:</b>	N/A	14 feet	14 feet (BHMC 10-3-2414)
<b>Setbacks for Proposed Accessory Structures:</b>	N/A	62 feet (from the front lot line)	100 feet (from the front lot line) (BHMC 10-3-2410)
<b>Paving:</b>	N/A	2,148 square feet (37.1%)	Not more than 33% + 5 feet multiplied by the front yard setback = 2,156 square feet (max) (BHMC 10-3-2422)
<b>Landscaping:</b>	N/A	A landscape plan has been submitted which complies with the BHMC regulations.	All unpaved portions of a front yard shall be improved and maintained with landscaping. (BHMC 10-3-2423)

## **Zoning Analysis**

### **Central R-1**

#### **Accessory Structures:**

Pursuant to Beverly Hills Municipal Code §10-3-2410, accessory structures are required to be located 100 feet behind the front lot line. The proposed accessory structures are located 62 feet behind the front lot line between the main residence and the front lot line. However, BHMC §10-3-2425 allows accessory structures located on an estate property (24,000 square feet or greater) to be located on any part of the site if authorized by the Planning Commission as part of a Central R-1 permit.

#### **Findings for Central R-1 Permit:**

The Planning Commission may issue a Central R-1 permit if it finds that the project will not have a substantial adverse impact on any of the following:

##### ***The scale and massing of the streetscape.***

The proposed accessory structures are 14 feet in height and have been set back a significant distance from Alpine Drive (62 feet) and Sunset Blvd (50 feet). The addition of mature vegetation and decorative walls will further shield the accessory structures from the roadways and neighboring properties. The proposed entry gate is setback approximately 65 feet from the front lot line. The large setback allows for a circular drive which provides space for vehicle queuing therefore reducing the massing of vehicles along Alpine Drive. Thus, the accessory structures shall have little or no effect on the scale and massing of the streetscape.

##### ***Neighbors' access to light and air.***

The proposed accessory structures are located on the eastern portion of the property, surrounded by Alpine Drive to the east and Sunset Blvd to the south. To the west is a single-family residence currently undergoing construction and to the north is an existing single family residence. The structures, as proposed, are each 14 feet in height and are located a minimum of 18 feet from the neighboring property line to the north adjacent to Alpine Drive thus, as proposed the structures will not have a negative effect on the neighbors' access to light and air.

##### ***Neighbors' privacy.***

The proposed accessory structures are located on the eastern portion of the property and surrounded by Alpine Drive, Sunset Blvd and the neighboring residence to the north. The structures will house security personal only during special events and gatherings. On a daily basis, the entry through the gate shall be controlled from the primary residence and/or with the use of a security code. The accessory structures are proposed to be 18 feet from the neighboring property line to the north and are located

adjacent to the neighboring properties front yard area. The neighboring residence will be approximately 23 feet from the proposed accessory structures. The applicant is proposing lush mature landscaping along the north property line abutting the neighbor. In addition, the neighboring residence is located on an up-sloping lot which, along with the landscaping will further buffer the adjacent property from the accessory structures. Therefore, an adverse impact to the neighbor's privacy is not anticipated.

***The garden quality of the city.***

The proposed accessory structures will be set back 62 feet from the front lot line. The applicant is proposing a variety of plant types which include, shrubs, trees and groundcover. The addition of mature lush landscaping within the front yard will screen the accessory structures from the streetscape and will enhance the garden quality of the City.

**PUBLIC NOTICE AND COMMENTS**

Notice of the proposed project and public hearing was mailed on September 1, 2008 to all property owners and residential tenants within a 300-foot radius of the property from the exterior boundaries of the property. In addition, notice of the hearing was posted on the subject property. To date, the city has not received any comments of concern regarding the proposed project.

**ENVIRONMENTAL DETERMINATION**

The project has been reviewed pursuant to the California Environmental Quality Act (CEQA), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.), and the City's Local CEQA guidelines. A Class 3(e) (15303) Categorical Exemption (New Construction or Conversion of Small Structures) has been issued in accordance with the requirements of Section 15062.

**RECOMMENDATION**

Based on the foregoing analysis staff believes the appropriate findings can be made to grant the Central R-1 Permit to construct the proposed accessory buildings. Staff recommends that the Planning Commission adopt the attached resolution approving the Central R-1 Permit request subject to the following conditions:

1. Landscaping along the northern property line, abutting the neighboring property shall contain lush, mature trees with a minimum 42" box.

  
Shena Rojemann, Assistant Planner